

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEVIN JONES, #1169005,

Plaintiff,

v.

**J. CLARK, J. RODRIGUEZ, R.
BOWERS, D. WONDERS, FNU WARD,
FNU MACCDO, FNU GARCIA, and
MICHAEL GRUVER,**

Defendants.

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Civil Action No. **3:23-CV-1414-L-BH**

ORDER

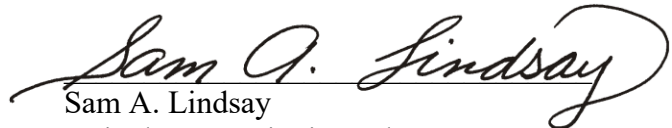
The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) was entered on June 27, 2023, recommending that the court deny Plaintiff Kevin Jones’s (“Plaintiff”) Motion for Leave to Proceed Informa Pauperis (Doc. 2) and dismiss his claims without prejudice. In his Complaint, Plaintiff appears to assert that Defendants improperly resolved his prison grievances. *See* Doc 3. The Report recommends dismissal because Plaintiff is barred by the “three strikes” rule of 28 U.S.C. § 1915(g) as having filed “at least three prisoner civil actions or appeals dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted.” Doc. 4 at 2. It further finds that Plaintiff’s Complaint does not assert any factual allegations alleging that he is in imminent danger of serious bodily injury. *Id.* Plaintiff did not file objections to the Report, but rather filed a Notice consisting of pages of unclear words and copies of similarly unclear grievances. *See* Doc. 6.

Having considered the Complaint, Plaintiff’s Notice, Report, file, and record, the court determines that the magistrate judge’s finding and conclusions in the Report are correct, and **accepts** them as those of the court. Plaintiff is barred from proceeding *in forma pauperis*, and

because his Complaint does not set forth facts showing an imminent danger or threat, Plaintiff must pay the filing fee. Accordingly, the court **denies** his Motion (Doc. 2) and **dismisses without prejudice** this action.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge's Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

It is so ordered this 2nd day of August, 2023.


Sam A. Lindsay
United States District Judge